

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	CASE NO. 1:17CR507
Plaintiff,	)	
	)	
v.	)	JUDGE BENITA Y. PEARSON
	)	
CHARLES DAVID SNYDER,	)	
	)	
Defendant.	)	<b><u>ORDER</u></b>

In the Court's May 25, 2018 Memorandum of Opinion and Order resolving four motions *in limine*, the Court held that "prior to soliciting testimony on Defendant's spending on salacious activities and/or payments to other creditors, the Government must (outside of the hearing of the jury) inform the Court of when the expenditures were made and the amounts." [ECF No. 90 at PageID #: 966-67.](#)

The Government has provided a chart that lists various payments, a brief description for the payments, and the date range for those payments. One line of the summary states that Defendant spent two to four thousand dollars per night and five to ten thousand dollars per trip on paid escorts from 1999-2010.<sup>1</sup> Evidence of paid escorts from as far back as 1999 provides little, if any, probative value of Defendant's willfulness to pay taxes in the quarters alleged in the Indictment. Also, the alleged amounts are small in relation to the amount of tax liability.

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<sup>1</sup> This fails to comply with the spirit of the Court's order, as it does not provide the Court with more information than the Government had previously presented to the Court.

(1:17CR507)

Therefore, the risk of unfair prejudice that evidence of money spent on escorts substantially outweighs the probative value of the evidence under [Federal Rule of Evidence 404\(b\)](#). See [United States v. Hardy, 643 F.3d 143, 150 \(6th Cir. 2011\)](#) (holding that, to permit other act evidence under [Rule 404\(b\)](#), a court must perform a [Rule 403](#) balancing analysis).

Accordingly, the Government is barred from soliciting testimony or introducing evidence that Defendant spent money on escorts.

IT IS SO ORDERED.

June 1, 2018  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge